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Tomohiro Shinoda

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EXAMINER

TORIMIRO, ADETOKUNBO OLUSEGUN

ART UNIT

PAPER NUMBER

3714

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/743,326

Applicant(s)

SHINODA, TOMOHIRO

Examiner

Adetokunbo O. Torimiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/12/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment received on 03/12/2007 has been considered. It has been noted that claims 6,10, and 11 have been amended. New claims 15-21 have been added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3,6,7, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II (US 6,352,479) in view of Yoseloff et al (US 2002/0074726).

Re claim 1: Sparks II teaches a gaming system for providing a game comprising personal attribute information / *personal profile* storing means (24) for storing personal attribute information / *personal profile* corresponding to each of a plurality of players (see **fig. 2; col.5, lines 17-18 and 48-51**).

However, Sparks II fails to teach the gaming system for providing a game comprising special game shift means for causing the game to shift from a normal mode to a special mode based on the personal attribute information of at least one of the plurality of players.

Yoseloff et al teaches the gaming system for providing a game comprising special game shift / *triggering event* means for causing the game to shift from a normal mode to a special mode / *bonus event* based on the personal attribute information / *player identity* of at least one of the plurality of players (see **par.31, lines 11-16**).

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a special game shift means for shifting to a special mode from a normal mode so that players of the game will have more chances and opportunity to win during a game play thereby increasing the player's enjoyment of the game. **(Claim 1 invokes 35 USC 112, 6th paragraph).**

Re claim 2: Sparks II teaches the gaming system further comprising player group generating means for generating a player group being composed of at least the plurality of players based on the personal attribute information / *personal profile* of each of the plurality of players (see col.6, lines 18-33).

However, Sparks II fails to teach the gaming system for providing a game comprising special game shift means for causing the game to shift from a normal mode to a special mode based on the personal attribute information of at least one of the plurality of players.

Yoseloff et al teaches the gaming system for providing a game comprising special game shift / *triggering event* means for causing the game to shift from a normal mode to a special mode / *bonus event* based on the personal attribute information / *player identity* of at least one of the plurality of players (see par.31, lines 11-16).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a special game shift means for shifting to a special mode from a normal mode so that players of the game will have more chances and opportunity to win during a game play thereby increasing the player's enjoyment of the game. **(Claim 2 invokes 35 USC 112, 6th paragraph).**

Re claims 3 and 7: Sparks II teaches the gaming system wherein the personal attribute information / *personal profile* is composed of basic information originating from each of the plurality of the players (see fig.8; col.5, lines 8-13).

Re claim 6: Sparks II teaches a gaming system for providing a game comprising a gaming machine (18) connected to a communication network (16), and a gaming server (14) connected to the communication network (16) (see fig.1; col.3, lines 1-9), wherein the gaming server comprising a storage device (24) for storing personal attribute information / *personal profile* corresponding to each of a plurality of players (see fig. 2; col.5, lines 17-18 and 48-51).

However, Sparks II fails to teach the gaming system comprising a control device for determining whether the game is caused to shift from a normal mode to a special mode, and wherein the control device determines whether the game is caused to shift to another special mode being entitled with a game name based on features of the personal attribute information so that a title after the game name is awarded to a winner of the game.

Yoseloff et al teaches the gaming system comprising a control device / *scanning technology device* for determining whether the game is caused to shift from a normal mode to a special mode, and wherein the control device determines whether the game is caused to shift to another special mode being entitled with a game name based on features of the personal attribute information so that a title after the game name is awarded to a winner of the game (see par.31, lines 11-16).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a control device for determining whether the game is caused to a special mode from a normal mode so that players of the game will have more chances and opportunity to win during a game play thereby increasing the player's enjoyment of the game.

Re claim 15: Sparks II teaches a gaming system for providing a game to a plurality of players, said system comprising a personal attribute information storage device (24) for storing personal attribute information / *personal profile* corresponding to each of said players (see fig. 2; col.5, lines 17-18 and 48-51).

However, Sparks II fails to teach gaming system comprising special game transition control device for causing the mode of said game to transit from a first mode to a second, special mode on the basis of at least one feature of said personal attribute information; wherein the special mode is entitled with a game name based on the at least one feature of said personal attribute information.

Yoseloff teaches gaming system comprising special game transition control device / *scanning technology device* for causing the mode of said game to transit from a first mode to a second, special mode on the basis of at least one feature of said personal attribute information; wherein the special mode is entitled with a game name based on the at least one feature of said personal attribute information (see par.31, lines 11-16).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a control device for determining whether the game is

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caused to a special mode from a normal mode so that players of the game will have more chances and opportunity to win during a game play thereby increasing the player's enjoyment of the game.

4. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II (US 6,352,479) in view of Yoseloff et al (US 2002/0074726) and further in view of Vancura (US 6,033,307). The teachings of Sparks II and Yoseloff et al have been discussed above.

Re claims 4 and 8: Sparks II teaches the gaming system and method for providing a game comprising personal attribute information.

However, Sparks II fails to teach the gaming system and method wherein at least one of the players playing the game in the special mode has a greater advantage than in the normal mode.

Vancura teaches the gaming system and method wherein at least one of the players playing the game in the special mode / *bonus game* has a greater advantage than in the normal mode (see col.3, lines 62-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include having a greater advantage in the special mode than in the normal mode of the game so as to increase the interest of the player thereby increasing enjoyment and excitement.

5. Claims 5,9, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II (US 6,352,479) in view of Yoseloff et al (US 2002/0074726) and further in view

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of Slomiany et al (US 6,159,098). The teachings of Sparks II and Yoseloff et al have been discussed above.

Re claims 5 and 9: Sparks II teaches the gaming system and method for providing a game comprising personal attribute information.

However, Sparks II fails to teach the gaming system and method wherein game credits which serve as virtual currencies transferable among the players during the game and which are utilized for determining respective ranking positions of the players are awarded by the control device in a larger amount to a winner of the game in the special mode than in the normal mode.

Slomiany et al teaches the gaming system and method wherein game credits which serve as virtual currencies transferable among the players during the game and which are utilized for determining respective ranking positions of the players are awarded by the control device in a larger amount to a winner of the game in the special mode */bonus game* than in the normal mode */basic game* (see col.1, lines 45-47).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include larger amounts of credits in the special mode than in normal mode so as to produce a significantly higher level of player excitement thereby providing greater expectation of winning.

Re claims 16-19: Sparks II teaches the gaming system and method for providing a game comprising personal attribute information.

However, Sparks II fails to teach the gaming system wherein the special mode is related to common features in the personal attribute information of all players participating in

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the game; wherein the special mode is related to differences in the personal attribute information of all players participating in the game; wherein the game name of the special mode is related to the common features in the personal attribute information of all players participating in the game; wherein a title if the special mode is related to the differences in the personal attribute information of all players participating in the game.

Slomiany et al teaches the gaming system wherein the special mode / *bonus game* is related to common features in the personal attribute information of all players participating in the game / *base game*; wherein the special mode is related to differences in the personal attribute information of all players participating in the game; wherein the game name of the special mode is related to the common features in the personal attribute information of all players participating in the game; wherein a title if the special mode is related to the differences in the personal attribute information of all players participating in the game (see **col.1, lines 29-35**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to make this combination since the bonus game may be related to common features of base game by being similar to the base game or be related to the differences by being different from the base game, thereby making the game play more interesting.

6. Claims 10,11,and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II (US 6,352,479) in view of Yoseloff et al (US 2002/0074726) and Marks et al (US 5,882,260).

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Re claim 10: Sparks II teaches a gaming method utilizing a gaming machine connected to a communications network (18) connected to a communications network (16), and a gaming server (14) provided with a personal attribute information / *personal profile* storing region for storing personal attribute information / *personal profile* corresponding to each of a plurality of players participating in a game (see **figs.1 and 2; col.3, lines 1-9 and col.5, lines 17-18 and 48-51**).

However, Sparks II fails to teach the gaming method comprising server determining whether the game should be shifted to a special mode based on features of the personal attribute information of at least one of the players; server transmitting a signal for causing the game to shift to the special mode to the gaming machine through the communications network in response to the generated event, and server awarding a title after the game name to a winner of the game according to the generated event.

Yoseloff et al teaches the gaming method comprising determining / *considered to determine* whether an event for causing the game to shift to a special mode / *bonus event* entitled a game name based on features of the personal attribute information / *player identity* is to be generated, transmitting a signal for causing the game to shift to the special mode to the gaming machine through the communications network in response to the generated event (see **par.30, lines 3-11**).

Marks et al teaches the gaming method comprising awarding / *declaring* a title after the game name of a winner of the game according to the generated event (see **col.20, lines 18-21**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a method of determining an event for shifting to a special

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mode from a normal mode so that players of the game will have more chances to win during a special mode game play thereby increasing the player's enjoyment of the game and it is also obvious to award a title after the game name to a winner since awards may be in any form thereby making the player more interested in the game so as to be awarded the game name title.

Re claim 11: Sparks II teaches the gaming method further comprising generating a player group based on the features of the personal attribute information / *personal profile* of each of the plurality of players (see col.6, lines 18-33).

However, Sparks II fails to teach the gaming method further comprising determining whether the event for causing the game to shift to the special mode is to be generated based on the features of the personal attribute information of each of the players of the players of the player group.

Yoseloff et al teaches the gaming method further comprising determining / *considered to determine* whether the event / *triggering event* for causing the game to shift to the special mode / *bonus event* is to be generated based on the features of the personal attribute information / *player identity* of each of the players of the players of the player group (see par.30, lines 3-11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a special game shift means for shifting to a special mode from a normal mode so that players of the game will have more chances and opportunity to win during a game play thereby increasing the player's enjoyment of the game.

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Re claim 12: Sparks II teaches the gaming system wherein the personal attribute information / *personal profile* is composed of basic information originating from each of the plurality of the players (see fig.8; col.5, lines 8-13).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II (US 6,352,479) in view of Yoseloff et al (US 2002/0074726) and Marks et al (US 5,882,260) and further in view of Vancura (US 6,033,307). The teachings of Sparks II and Yoseloff et al have been discussed above.

Re claim 13: Sparks II teaches the gaming system and method for providing a game comprising personal attribute information.

However, Sparks II fails to teach the gaming system and method wherein at least one of the players playing the game in the special mode has a greater advantage than in the normal mode.

Vancura teaches the gaming system and method wherein at least one of the players playing the game in the special mode / *bonus game* has a greater advantage than in the normal mode (see col.3, lines 62-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include having a greater advantage in the special mode than in the normal mode of the game so as to increase the interest of the player thereby increasing enjoyment and excitement.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II (US 6,352,479) in view of Yoseloff et al (US 2002/0074726) and Marks et al (US 5,882,260)

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and further in view of Slomiany et al (US 6,159,098). The teachings of Sparks II and Yoseloff et al have been discussed above.

Re claim 14: Sparks II teaches the gaming system and method for providing a game comprising personal attribute information.

However, Sparks II fails to teach the gaming system and method wherein game credits which serve as virtual currencies transferable among the players during the game and which are utilized for determining respective ranking positions of the players are awarded by the control device in a larger amount to a winner of the game in the special mode than in the normal mode.

Slomiany et al teaches the gaming system and method wherein game credits which serve as virtual currencies transferable among the players during the game and which are utilized for determining respective ranking positions of the players are awarded by the control device in a larger amount to a winner of the game in the special mode */bonus game* than in the normal mode */basic game* (see col.1, lines 45-47).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include larger amounts of credits in the special mode than in normal mode so as to produce a significantly higher level of player excitement thereby providing greater expectation of winning.

9. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II (US 6,352,479) in view of Yoseloff et al (US 2002/0074726) and Marks et al (US 5,882,260) and further in view of Yamada (US 6,398,651). The teachings of Sparks II and Yoseloff et al have been discussed above.

Re claims 20 and 21: Sparks II teaches the gaming system and method for providing a game comprising personal attribute information.

However, Sparks II fails to teach the gaming system further comprising a game agent function unit adapted to serve as a player when the plurality of players are less than a predetermined number of players; wherein the determining step is performed prior to the start of the game.

Yamada teaches the gaming system further comprising a game agent function unit adapted to serve as a player when the plurality of players are less than a predetermined number of players; wherein the determining step is performed prior to the start of the game (see col.9, lines 29-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include determining step at the start of the game and the step of playing against another player or against the computer if there are not enough predetermined amount of players thereby removing the need for players to wait for other players before the game can be played.

Response to Arguments

10. The Applicants correction in regards to the Claim objection is accepted therefore, that objection has been withdrawn.

11. Applicant's arguments filed 03/12/2007 have been fully considered but they are not persuasive.

In response to applicant's argument regarding claims 1-14 that the cited portions of Yoseloff (par.31, lines 11-16) fails to teach or suggest anything about stored persona attribute information, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. According to Yoseloff as stated and noted in the office action, the triggering event is related to the "... player identity..." (par.31, line 13), which is important to the events that results in triggering a special / bonus event. Examiner notes that par.31, lines 11-16, further explains par.31, lines 7-11. If the prior art structure is capable of performing the intended use, then it meets the claim.

In response to applicant's argument that there is no suggestion to combine the references regarding Claims 1-14, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Examiner points out to Applicant that both Spark and Yoseloff teach gaming systems that could be played by more than one player with player identity involved. Examiner therefore maintains the 35 USC 103 rejection.

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In response to applicant's argument regarding claim 10 about the cited portion of the Yoseloff reference, the Examiner admits that the inclusion of "col.6, lines 18-33" was a typo that should not have been included. That cited portion has been removed as seen in this action.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AT

 5/23/07
KIM NGUYEN
PRIMARY EXAMINER